

Appl. No. 10/687,130
Atty. Docket No. 9323M
Amdt. dated October 1, 2004
Reply to Office Action of July 8, 2004
Customer No. 27752

REMARKS

Claims 1 - 21 are pending in the present application, and stand rejected. Claims 1-9, and 12-15 have been rejected under 35 U.S.C. § 102. Claims 10-11, and 16-21 have been rejected under 35 U.S.C. § 103.

Claims 1, 12, 13, 16, and 19 have been amended. Support for these amendments is found throughout the specification. As examples, see page 2, lines 18-23, page 10, lines 15-25, and page 10, line 28- page 11, line 17.

Rejection Under 35 USC 102 Over Gibson et al. (U.S. 5,413,488)

Claims 1-5, and 8-9 have been rejected under 35 U.S.C. § 102(b) as anticipated by Gibson et al. (U.S. 5,413,488). Amended Claim 1, however, is not anticipated by the Gibson et al. patent.

The Office Action's characterization of the Gibson et al. patent and the application of Gibson's disclosure to Claim 1 is expressly not agreed with or acquiesced to. Nevertheless, it is clear by a reading of Gibson et al. and the Office Action that any information provided related to a stage of child development is provided only indirectly. In other words, actual children must "play with" or "use" the Gibson et al. device and only observation of them provides (indirectly) to an observer information regarding **their** development (i.e. the actual children using the device).

By contrast the claimed invention (as it made clear in amended claim 1), provides to an adult directly information about child stages of development when the education devices are used by **adults**. The advantages of this over the device of Gibson et al. are numerous. An adult wishing to learning about child development can learn about all stages by use of the claimed device without the need to observe actual children in the various stages (who may or may not be present). The claimed device is interactive for the user being taught (i.e. the adult). The Gibson et al. device is interactive for children, but passive for the person learning about development (e.g. that person is merely observing). As the Office Action does not demonstrate how any of these features are taught or disclosed in the Gibson et al. patent, the rejection of Claim 1 as anticipated by Gibson et al. should be withdrawn. Claims 2-5 and 8-9 depend from amended claim 1 and are patentable for at least the reasons given with respect to amended claim 1. Therefore, these rejections should also be withdrawn.

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Rejection Under 35 USC 102 Over Yoon (U.S. 6,168,495)

Claims 1-7, 9, and 12-14 have been rejected under 35 U.S.C. § 102(b) as anticipated by Yoon (U.S. 6,188,495). None of amended claim 1, amended claim 12 or amended claim 13 are anticipated by the Yoon patent.

The Office Action's characterization of the Yoon patent and the application of Yoon's disclosure to the claims is expressly not agreed with or acquiesced to. Nevertheless, it is clear by a reading of Yoon and the Office Action that any information provided related to a stage of child development is provided only indirectly. In other words, actual children must "play with" or "use" the Yoon device and only observation of them provides (indirectly) to an observer information regarding **their** development (i.e. the actual children using the device).

By contrast the claimed invention (as it made clear in amended claim 1, amended claim 12 and amended claim 13), provides directly to an adult information about child stages of development when the education devices are used by **adults**. The advantages of this over the device of Yoon are numerous and are similar to those articulated above with respect to Gibson et al. In contrast to the device of Yoon, the devices claimed in amended claims 1, 12, and 13 include interactive aides which when used by an adult, provide information to the adult user information relating to an aspect of child development. The claimed devices are thus interactive for the adult user reinforcing the learning provided. Additionally, because the devices are interactive for the adult user and instruct an adult user, no observation of children at various stages of development is required. Rather, any desired information can be taught by the apparatus itself without the need for particular children to be observed.

As all of claims 1-7, 9, and 12-14 depend from amended claim 1, amended claim 12 or amended claim 13, the rejections under 35 U.S.C. § 102(b) over Yoon should be withdrawn for at least the reasons given above.

Rejection Under 35 USC 102 Over Fryer (U.S. 4,538,995)

Claims 1-2, 5, 8, and 13-15 have been rejected under 35 U.S.C. § 102(b) as anticipated by Fryer (U.S. 4,538,995). Neither of amended claim 1 or amended claim 13 is anticipated by the Fryer patent.

The Office Action's characterization of the Fryer patent and the application of Fryer's disclosure to the claims is expressly not agreed with or acquiesced to. Fryer is directed generally to a portable classroom containing a series of computers. The Office Action makes no mention of

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how Fryer discloses interactive aides which provide information to an adult user regarding an aspect of child development. In fact there is no showing in the office action that any of the computers of Fryer are different from each other, are programmed differently, or have anything to do with teaching about child development at all. As such, the Fryer patent cannot anticipate amended claim 1 or amended claim 13 because no showing has been made how each and every element of these claims is taught or disclosed by the reference. The Office Action is silent on how Fryer has anything to do with teaching about child development at all. All of claims 1-2, 5, 8, and 13-15 depend from amended claim 1 or amended claim 13 and are patentable over the Fryer patent for at least the reasons given above. Nevertheless, it is also noted that the Office Action also does not demonstrate how the requirements of Claim 15 are met by the Fryer disclosure. The Office Action simply asserts that Fig. 5 shows oversized furniture required by the claim. There is no support in the Office Action for this position, however. Fig. 5 provides no information regarding the sizing (much less over sizing) of the desk shown.

For at least the reasons given above, the rejections under 35 U.S.C. § 102(b) over Fryer should be withdrawn.

Rejection Under 35 USC 103(a) Over Yoon

Claims 10, and 11 have been rejected under 35 USC 103(a) as being unpatentable over Yoon. Both claims 10 and 11 depend from amended claim 1. As previously discussed amended claim 1 is not anticipated nor rendered obvious by Yoon. The reasoning of the Office Action stems from the base rejection of amended claim 1 over Yoon and does not cure the deficiencies noted above. Even assuming that it would be obvious to modify Yoon to divide the apparatus into 4 areas, such a modification would still not teach or suggest all elements of the claim because Yoon still does not teach or suggest interactive aides which provide information directly to an adult user regarding aspects of child development.

With respect to claim 11, the Office Action provides no basis for the conclusion that the specific aides claimed would be obvious. The Office Action merely concludes without a showing of any the analysis required by Graham v. John Deere, that the features of claim 11 would all be obvious as a whole. This conclusion falls well short of the showing required to make out a proper *prima facie* case of obviousness. Therefore, for at least the reasons given above the rejections under 35 U.S.C. § 103 over Yoon should be withdrawn.

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Rejection Under 35 USC 103(a) Over Stamm et al. (US 2003/0118975)

Claims 16-21 have been rejected under 35 USC 103(a) as being unpatentable over Stamm et al. (US 2003/0118975). All of claims 16-21 depend from amended claim 16 or amended claim 19. These claims are directed to methods of educating a user about child development. In particular interactive aides are provided which when used by an adult user provide information regarding an aspect of child development directly to the adult user. Stamm et al. does not disclose or suggest such features. Stamm et al. deals generally with a system and method of facilitating early childhood brain development. The Office Action points to no disclosure in Stamm et al. where education regarding child development is provided to an adult user of the aides. The claimed method is not about facilitating childhood brain development. As such, even assuming that the modifications made to the Stamm et al. application by the Office Action are proper (which the Office Action does not provide basis for), all limitations of claims 16-21 would still not be taught or suggested. Therefore, the rejections under 35 U.S.C. § 103 over Stamm et al. should be withdrawn.

Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejection. No new matter has been entered. Early and favorable action in the case is respectfully requested.

Respectfully submitted,

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